

MINUTES
Board of Building & Zoning Appeals
City of Willoughby Hills, Ohio

July 10, 2018

CALL TO ORDER: 8:00 pm

ROLL CALL

PRESENT: Chairman Frank Cihula, Vice Chairman John Klements, Mark Kotoch,
James Michalski and Rick Thompson

ALSO PRESENT: Clerk Katherine Lloyd

DISPOSITION OF MINUTES of January 9, 2018

MOTION: Mark Kotoch moved that the Board approve the Minutes of January 9, 2018 as submitted.
Seconded by John Klements.
Roll call: Ayes Unanimous.
Motion passes 5/0.

Chairman Cihula declared that the Minutes of the Board of Building and Zoning Appeals Meeting of January 9, 2018 have been approved as submitted.

CORRESPONDENCE

- Notification dated 1/24/18 sent to News-Herald re: February 13, 2018 BZA meeting.
- Notification dated 2/26/18 sent to News-Herald re: March 13, 2018 BZA meeting.
- Notification dated 3/26/18 sent to News-Herald re: April 10, 2018 BZA meeting.
- Notification dated 4/23/18 sent to News-Herald re: May 8, 2018 BZA meeting.
- Notification dated 6/1/18 sent to News-Herald re: June 12, 2018 BZA meeting.
- Notification dated 6/25/18 sent to News-Herald re: July 10, 2018 BZA meeting.

CASE 2018-01

Mr. Patrick Faith, 2953 Rockefeller Rd, requests a variance to replace an existing 20' x 20' garage 10' from the right side line, with a new 25' x 25' detached garage on the same site. The lot is nonconforming due to a 74.4' lot width. Section 1133.10(f), Schedule 1133.10(b) of the Codified Ordinances requires a minimum of 15' side setback from the side lot lines. Section 1121.05 Nonconforming Lots, Section 1121.05(a)(2) does not permit enlarging the floor area unless it complies with all requirements of the Codified Ordinances. A notice has been mailed to property owners within 500' of said property. The appeal was advertised in the News-Herald on June 30, 2018. Drawings are available for review in the lobby of City Hall.

Chairman Cihula stated that he received the information that he wrote this notice from the initial submission that specified a 25' x 25' garage. The final notice from the Zoning Administrator was corrected to 24' x 24'. That is where the size discrepancy occurred

PRESENT: Mr. Patrick Faith

Stated reason for variance request:

Applicant distributed a prepared statement which was reviewed by the Board. He presented the points listed in the statement. Photos were distributed to help identify and illustrate the issues.

- It is a narrow 74.4' wide 1-acre property that makes it difficult to move the garage around. The house was built by grandparents just before WWII.
- The existing dilapidated garage is in line with the driveway. He hopes to keep that same line.
- 20'x20' is not the average size garage. He currently keeps his tractor outside under a tarp. 24'x24' is still not large but does improve the property value and gives more storage for tractor plus the two cars.

He started this process in February 2018. During a site visit with the builder, drainage issues were identified behind the current garage. There is a gradual slope. Properties behind and to the south of him all drain through his property and into the Euclid Creek. Barring a major storm water project for a number of properties, the builder discouraged moving the new garage back further. The builder suggested he go for a variance to keep it somewhere in the neighborhood of where it currently sits.

Under ideal circumstances, the garage would be brought forward and attached to the side of the house but there is no room on the property in that location. Moving it over to provide the 15 foot clearance would block view of the park-like backyard with a garage and driveway.

Board's Discussion:

Chairman Cihula explained that the delay was due to the City situation, the issues with the Clerk position and the Zoning Administrator (ZA) not recognizing the sub-standard lot.

The Board commended the applicant for coming in exceedingly well prepared. Site visits to the property showed the constraints that are on that site and on the adjoining properties.

Public Portion for Case 2018-1 opened at 7:28 p.m.

No Public Input.

Public Portion for Case 2018-1 closed at 7:28 p.m.

There were no further questions from the Board.

MOTION: Mark Kotoch moved that the Board approve the Case 2018-1 as requested and grant a variance for the property located at 2953 Rockefeller Rd. for a 24' x 24' detached garage on a nonconforming lot with a 10' sideline setback due to the narrow lot constraints and that this building is replacing an existing building in the same location.
Seconded by John Klements.
Roll call: Ayes Unanimous.
Motion passes 5/0.

Chairman Cihula declared that the request is granted for Case 2018-1.

Additional Comments:

(Faith) What is the next step for me and my builder?

(Cihula) Unfortunately, we do not have a Building Department yet. You will need to contact the Zoning Administrator. He will have a copy of this appeal in his mailbox tomorrow morning. He will give you a Zoning Approval based on the variance. Then you go out to Lake County to get the Building Permit. You have to have the Zoning Approval first. Your contractor will have to be registered with the County.

(Michalski) Does he have to get a Demolition Permit?

(Kotoch) It is part of the Permitting.

(Cihula) Ask the Zoning Administrator where you get the Demolition Permit.

UNFINISHED BUSINESS

2017 Index of Appeals: Chairman Cihula distributed the Index of appeals heard in Year 2017.

NEW BUSINESS

Mr. Michalski stated for the record that 'I am not a crony of the Mayor; I accepted this position under my own volition and no one, not on City Council or the Mayor or this Board has ever influence one of my decisions'. He was referring to a letter placed in his mailbox about a month ago that was signed 'Person'.

Chairman Cihula stated that a number of people had gotten that letter.

CHAIRMAN'S COMMENTS

We are under difficult working conditions these days. Hopefully it will be solved soon. There are two situations.

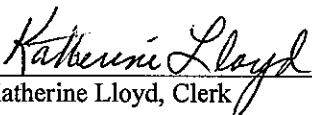
One is an Unfair Labor Grievance (ULP). People in the Community Center and most of the people in Administration had their jobs eliminated early this year by the Budget Ordinance and another ordinance after that to make sure. Those workers were in the union that was formed last year. Council was supposed to negotiate the union formation process with them and they didn't. The ULP has gone to mediation right now.

Along with City's position, the Mayor filed another law suit against Council, similar to what he filed last year. It is in the Common Pleas Court system. It has to wait until the Court assigns it to a judge. Last time it was assigned to a visiting judge because there were three lawsuits filed. One of them was by our Law Director. This time we know of just the one lawsuit. We are waiting to hear which judge the case is assigned to.

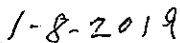
MOTION: Mark Kotoch moved to adjourn.
Seconded by Richard Thompson.
Voice vote: Ayes unanimous.
Motion passes 5/0.

Chairman Cihula declared the meeting adjourned at 8:30 PM.

Note that it is the policy of the Board to make site visits to guide them in making their decisions.
Note that BZA meetings are recorded and recordings are considered a public record.


Katherine Lloyd, Clerk


Chairman


Date approved: